

PATENT
Docket No.: 2263/101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Jerry L. Toms)	Examiner:
)	J. Valenza
Serial No.	: 09/920,230)	
)	
Cnfrm No.	: 5306)	Art Unit:
)	3651
Filed	: August 1, 2001)	
)	
For	: DEVICE AND SYSTEM FOR USE IN)	
	IMAGING PARTICULATE MATTER)	

DECLARATION OF JERRY L. TOMS

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Jerry L. Toms, hereby declare as follows:

1. I am an inventor of the above-identified patent application.
2. I am presenting this declaration in support of the accompanying Petition to Revise Unintentionally Abandoned Application ("Petition").
3. Prior to September 6, 2005, I was unaware that the above-noted patent application had gone abandoned effective December 10, 2003. I was first informed of the current status of the application during a telephone conference on that same date with attorney Edwin V. Merkel, of Nixon Peabody LLP.
4. The entire delay between the deadline of December 10, 2003, and the filing of this declaration (and its accompanying Petition) was unintentional. It was never my intention for the above-noted application to go abandoned.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

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further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: September 6, 2005
Jerry L. Toms